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9 Attorneys for Defendants Rural/Metro Fire Dept., Inc.,  
10 Grant Reed and Brittany Reed

11 **IN THE UNITED STATES DISTRICT COURT**  
12 **FOR THE DISTRICT OF ARIZONA**

13 Robert Steven Cutler, individually and as  
14 Administrator of the Estate of David A. Cutler,  
15 deceased, on behalf of himself and on behalf of  
16 all beneficiaries of the Estate of David A.  
Cutler, deceased, and Renee Luddington Cutler,

17 Plaintiffs,

18 vs.

19 Mark D. Napier, Sheriff of Pima County,  
20 Arizona, in his official capacity; Rural/Metro  
21 Fire Dept., Inc., an Arizona for profit  
22 corporation, Keith Barnes and Jane Doe Barnes,  
his spouse, Grand Reed and Brittany Reed,

23 Defendants.  
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No. 18-CV-00383-TUC-FRZ

**DEFENDANTS RURAL/METRO  
FIRE DEPT., INC., GRANT REED  
AND BRITTANY REED'S  
STATEMENT OF FACTS IN  
SUPPORT OF THEIR MOTION  
FOR SUMMARY JUDGMENT RE:  
NEGLIGENCE CLAIM – DR.  
THORNTON EXPERT  
TESTIMONY PRECLUSION**

**(Assigned to the Honorable  
Frank R. Zapata)**

1 Defendants, Rural/Metro First Dept., Inc., Grant and Brittany Reed (collectively  
2 “RM”), respectfully submit this Statement of Facts in support of their Motion for  
3 Summary Judgment RE: Negligence Claim – Dr. Thornton Expert Testimony Preclusion.

#### 4 STATEMENT OF FACTS

5 1. Plaintiff has disclosed Dr. Thornton as an expert that will opine on the  
6 applicable paramedic standard of care as to Defendant Grant Reed. *See Exhibit A*, Dr.  
7 Stephen Thornton, MD’s Expert Report (Thornton000001-000052).

8 2. Dr. Thornton is a full-fledged medical doctor that works at a University  
9 hospital in Kansas. *See Exhibit B*, Deposition of Stephen Thornton, M.D. at p. 80, ln. 2 –  
10 p. 81, ln. 14.

11 3. Dr. Thornton went to undergraduate, then medical school, and then  
12 completed his residency and is licensed as a medical doctor with a subspecialty in  
13 toxicology. *Id.*

14 4. Dr. Thornton is not certified as an EMCT-Paramedic, has no experience in  
15 the paramedic field, does not actively practice as an EMCT-Paramedic, and does not  
16 instruct paramedic students. *See Exhibit A* at p. 81, ln. 15 – p. 83, ln. 9. and p. 86, lns. 5-  
17 18.

18 5. Defendant Grant Reed is a certified EMCT – Paramedic. *See Exhibit C*,  
19 Grant Reed’s EMCT – Paramedic Certification Cards (CONFIDENTIAL CUTLER/RM  
20 0693-0694).

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1 RESPECTFULLY SUBMITTED this 3<sup>rd</sup> day of September, 2020.

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3 SATTERLEE GIBBS PLLC

4  
5 By: /s/ Scott Reynolds  
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**CERTIFICATE OF SERVICE**

I hereby certify that on September 3, 2020, I electronically transmitted the attached document to the Clerk’s Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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By: /s/ Kirsten Sylvia